IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1137 (SS) of 2007

Yogember Prasad Baunthiyal,
Assistant Teacher,
S/o late Bhwani Dutt,
Junior High School,
Harbanshwala,
Raipur, Dehradun**.** **……..Petitioner.**

Versus

1. Director, Vidyalayi Shiksha, Uttarakhand, Dehradun.
2. Additional District Education Officer, District - Dehradun.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri S. Nauriyal, learned counsel for the petitioner and Sri N.P. Shah, learned standing counsel for State of Uttarakhand on behalf of respondents.

By means of this writ petition, petitioner has prayed for the following relief:

a. Issue a writ, order or direction in the nature of Certiorari for quashing the order dated 23.06.2007 (Annexure No. 1) passed by respondent no. 2.

b. Any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

c. *Award the cost in favour of the petitioner.*

By the impugned order dated 23.06.2007 passed by respondent no. 2 petitioner, who was working as Assistant Teacher, has been transferred from Junior High School,

Harbanshwala, Raipur, Dehradun to Junior High School, Jardhi, Chakrata, Dehradun on the ground of surplus teacher.

Petitioner has assailed the impugned transfer order on the ground that his daughter is suffering from scijon disorder and her treatment is going on from Dehradun. Petitioner is also patient of heart disease and his wife is posted at most disturbed area in Jammu & Kashmir. In case, petitioner is compelled to join at new place of posting, he will have to face lot of difficulties.

Aggrieved with the transfer order, petitioner has already made representation before respondent no. 2 (Annexure no. 10 to the writ petition) and the same is still pending.

In view of the above, respondent no. 2 is directed to take decision on the representation of the petitioner sympathetically within a period of two weeks from the date of production of certified copy of this order.

With this direction, writ petition as well as stay application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

August 22, 2007
SKS